

Message Text

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ACTION EA-14

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

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E.O. 11652: NA

TAGS: MARR, PFOR

SUB: FILIPINOS IN US FORCES IN PHILIPPINES AND VOTING IN JULY
27, 1973 REFERENDUM

1. FOR THE RECORD, IT WOULD BE WELL TO
RECAPITULATE WHAT TRANSPIRED IN THE DAYS IMMEDIATELY
PRIOR TO THE JULY 27 REFERENDUM. ADDRESSEES WILL
RECALL THE SUBIC PMLO'S OFFICE WAS INSISTING THAT
FILIPINOS IN US FORCES IN PHILIPPINES WERE REQUIRED
TO VOTE, NOTWITHSTANDING THE PROVISIONS OF COMMON-
WEALTH ACT 63 UNDER WHICH THE ACT OF ENLISTING IN
US FORCES WAS MADE SPECIFIC GROUNDS FOR DISFRANCHISEMENT.

2. AFTER SUBIC UNSUCCESSFULLY CITED THIS PROVISION
OF PHILIPPINE LAW TO THE PMLO, RADM SHELTON TOOK
THE MATTER UP IN THE JULY 26 MDB MEETING AND THE MDB
SUPPORTED THE SUBIC VIEW THAT VOTING BY FILIPINOS IN
US FORCES WOULD CONTRAVENE COMMONWEALTH ACT 63 (18 PAL 1 (4)
(B)) AND THE VERBATIM RECORD OF THE MDB MEETING REFLECTS THIS
AGREEMENT. ACCORDINGLY, SUCH FILIPINOS WHO DID NOT VOTE
ON JULY 27 ARE PROTECTED FROM PROSECUTION IN PRESENT CASE.

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EM AT REQUEST SUBIC, EMBASSY ALSO TOOK UP VOTING QUESTION WITH DEPARTMENT OF JUSTICE. SECRETARY OF JUSTICE MADE JUDGEMENT THAT REFERENDUM WAS NOT ELECTION, THUS PROVISIONS OF COMMONWEALTH ACT 63 WERE NOT APPLICABLE. HOWEVERN HE SAID CONFUSION ON THE ISSUE EASILY UNDERSTANDABLE AND THAT ISSUE WAS MOOT IN ANY EVENT SINCE AFFECTED FILIPINOS HAD OBVIOUSLY NOT REGISTERED TO VOTE IN REFERENDUM. THEREUPON, SECRETARY CALLED IN UNDER SECRETARY EFREN PLANA AND INSTRUCTED HIM TO EXPLAIN THE PROBLEM TO COMELEC COMMISSIONER PEREZ. PLANA DID SO AND SUBSEQUENTLY INFORMED THE EMBASSY THAT COMELEC AGREED THAT UNDERSTANDABLE CONFUSION HAD OCCURRED AND THERE WAS NOW NOTHING TO BE DONE AT THAT LATE DATE ABOUT THE FACT THAT FILIPIONOS IN THE US FORCES IN THE PHILIPPINES HAD NOT REGISTERED AND THEREFORE WOULD NOT BE ABLE TO VOTE. COMMISSIONER PEREZ SAID THE MATTER WOULD BE IGNORED.

6. IT IS RECOMMENDED THAT IF SUBSEQUENT REFERENDUMS ARE SCHEDULED, FILIPINOS IN US FORCES IN THE PHILIPPINES SHOULD BE ADVISED OF THE DEPARTMENT OF JUSTICE OPINION THAT COMMONWEALTH ACT 63 DOES NOT APPLY TO NON-ELECTIONS AND THAT THEY SHOULD CONSEQUENTLY BE PREPARED TO REGISTER AND VOTE.

7. (FYI: THE EMBASSY CONSULAR SECTION HAS BEEN QUERIED ON THE ISSUE OF WHETHER VOTING BY PHILIPPINE NATIONALS IN US FORCES IN REFERENDUMS SUCH AS THAT OF JULY 27, 1973 WOULD AFFECT THEIR APPLICATIONS FOR US CITIZENSHIP AND HAS STATED SUCH VOTING WOULD NOT REPEAT NOT MATERIALLY AFFECT THESE APPLICATIONS. END FYI).
HAMILTON

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